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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 WAYNE PERRYMAN, *et al.*,

10 Plaintiffs,

11 v.

12 CITY OF SEATTLE POLICE, *et al.*,

13 Defendants.

No. C17-0274RSL

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

14 This matter comes before the Court on "Plaintiff's Motion for Reconsideration." Dkt.
15 # 79. Plaintiff¹ alleges that defendant Justin Ismael and security guards employed by defendant
16 Rhino Room deliberately and intentionally framed plaintiff for injuries Ismael suffered in a fight
17 outside the Rhino Room on April 4, 2015. Plaintiff asserts causes of action described as
18 "violations of 42 U.S. Code 1983 for defamation, deprivation of rights and privileges, violations
19 of 42 U.S. Code 2000a for denial of equal access, and for Malicious Intent for making false
20 statements that were not privileged for the sole purpose of having Sean C. Perryman arrested for
21 a crime he did not commit." Dkt. # 46 at 1. In his motion for reconsideration, plaintiff argues
22 that the Court made certain findings of fact in the context of his summary judgment motion that
23 compel the conclusion that defendants are liable for his injuries.
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25 ¹ The claims of Reverend Wayne Perryman have been dismissed for lack of standing. The only
26 remaining plaintiff is Sean Perryman.

1 The Court did not find that the manager of security for the Rhino Room, James Hargens,
2 made false statements that contributed to the officers' decision to arrest Perryman. Rather, the
3 Court assumed those facts to be true. The motion for summary judgment was nevertheless
4 denied because, even with those assumptions in place, plaintiff failed to establish key elements
5 of his claims, including that defendants are state actors and/or that they acted with the requisite
6 intent. Plaintiff has argued, and will undoubtedly continue to argue, that defendants conspired
7 with each other and intentionally lied to the police so that plaintiff would be arrested for Ismael's
8 injuries. That the argument can be made does not mean that summary judgment is appropriate.
9 Summary judgment is granted only where there are no disputes of material fact and a party
10 establishes each and every element of his legal claim. In this case, there are both factual and
11 legal disputes that must be resolved before liability can be ascertained. Genuine disputes of fact
12 will be resolved by the jury: whether undisputed facts satisfy the elements of a legal claim will
13 be resolved by the Court.

14 Motions for reconsideration are disfavored in this district and will be granted only upon a
15 "showing of manifest error in the prior ruling" or "new facts or legal authority which could not
16 have been brought to [the Court's] attention earlier with reasonable diligence." Local Civil Rule
17 7(h)(1). Plaintiff has not met this burden. The motion for reconsideration is therefore DENIED.

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19 Dated this 1st day of November, 2017.

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21 Robert S. Lasnik
22 United States District Judge
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